United Nations ST/IC/2002/38

Secretariat

14 June 2002

Information circular*

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: **Privileges and immunities — requests by local authorities to interview staff**

1. After the events of 11 September 2001, there have been several instances where United Nations staff members in New York were visited or interviewed by host country authorities. The purpose of this circular is to recall the applicable principles and to outline the manner in which a staff member in that situation can bring the matter to the attention of the Organization.

2. The governing principles are contained in staff regulation 1.1 (f):

> "The privileges and immunities enjoyed by the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located, nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, the staff member shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the relevant instruments."

3. Staff members' immunity from legal process is strictly functional, i.e., it is linked to their status and functions as officials of the Organization. Under the Convention on the Privileges and Immunities of the United Nations, it is for the Secretary-General, not the staff member concerned, to determine whether words or acts were spoken, written or performed in an official capacity and whether they fall within the scope of the immunity. In addition, notwithstanding their immunity, United Nations staff members have an obligation to cooperate with the competent national authorities and to respect city, state and federal laws and regulations.

4. Any staff member who has been questioned or visited, or in any other way subject to search or investigation, by the host country authorities and has concerns

* Valid until further notice.

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about the propriety of, or manner of conduct during, such actions, should prepare a detailed statement of the facts. That statement should be submitted to the Office of Legal Affairs, either directly or indirectly, through the head of department or office or through the executive office of the department or office concerned. The Office of Legal Affairs will then discuss the matter with the staff member concerned and, based on all the information available, make a determination as to the propriety of the conduct of the host country authorities. In the event of any impropriety, the Office of Legal Affairs will raise the matter with the Host Country Section of the United States Mission to the United Nations for appropriate action.